

REMARKS

Claim 18 has been amended. As amended, the last clause of claim 18 starting with "a processor" differs from originally filed claim 18 only in that the phrase "i.) to initiate analysis algorithms prior to completion of temperature cycling, ii.) to use the algorithms" has been added. Thus, support for claim 18 in the present listing of claims is found in originally filed claim 18. Support for amended claim 18 is also found on page 2, lines 13-15 of the specification and on page 13, lines 22-25 of the specification.

Applicants wish to thank Examiner Smith for the courtesies extended by the Examiner in the telephonic interview with Applicants' undersigned attorney on November 1, 2005. Proposed amendments to claim 18 were discussed. An agreement was not reached with respect to allowance of the claims, but the Examiner was favorable towards the present amendment to claim 18. However, the Examiner wishes to review the file history to confirm that the present amendment resolves all previous issues raised by the Examiner in this application and overcomes the rejection of the claims over Schork et al.

The Examiner has rejected claims 18-23 under 35 U.S.C. § 112, ¶ 2 for indefiniteness. In the first paragraph of the rejection on page 2 of the office action, the Examiner objects to the phrase "a processor means" in claim 18 as amended in the previous response, filed on April 22, 2005. Applicants have deleted the phrase "a processor means" from claim 18.

In the second paragraph of the rejection on page 3 of the office action, the Examiner indicates that the phrase "a processor means" is not interconnected to the method steps that follow. The Examiner also states that "[i]n the previous set of claims, Applicants recited "the processor is programmed to obtain" which clearly limited the processor to one programmed to perform the method steps." See page 3, lines 5-7 of the office action. Applicants have amended claim 18 so that the language with regards to the programming of